

Message

From: Matten, Sharlene [Matten.Sharlene@epa.gov]
Sent: 8/7/2020 4:40:26 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Knott, Steven [Knott.Steven@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]
Subject: Re: update on my review of the files you sent me (asbestos)

Thanks! Goes additions to the record. I have more information on Sheppard that I added. tracking addition information for Taioli. These two people had signed paper forms so I have some of the other records electronically but not lobbying searches and some of the other stuff

Thanks again,
Sharlene

Sharlene R Matten, PhD
Senior Biologist, Exposure Assessment Coordination and Policy Division
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Washington DC
EPA iPhone: 202-768-6629
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E-mail: Matten.sharlene@epa.gov

On Aug 7, 2020, at 12:36 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Sharlene,
I really think that you've already addressed my questions, so no need to do more. THANKS! All that's left is for me to close out with a note to Hayley, copying Joe Cole and you guys. I will have to get to that over the weekend (sorry!).
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004
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From: Matten, Sharlene <Matten.Sharlene@epa.gov>
Sent: Friday, August 07, 2020 11:15 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Knott, Steven <Knott.Steven@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>
Subject: RE: update on my review of the files you sent me (asbestos)

Hi Justina – Yes, I will to a response to each one.

I will add the notes you made so that when we look at these particular individuals we will have them for reference.

Thanks,
Sharlene

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, August 7, 2020 10:38 AM
To: Matten, Sharlene <Matten.Sharlene@epa.gov>
Cc: Knott, Steven <Knott.Steven@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>
Subject: RE: update on my review of the files you sent me (asbestos)

Hi Sharlene,
Oh rats, I forgot about your note with the actual names, but I will solace myself with the knowledge that I can count the time as an "audit" and claim credit for it in one of our required responses to OGE and GAO! So you're taking the extra time to answer my questions will work out great! THANKS!

I'm off this afternoon and Monday, but I will do my "close out" note to you guys and Hayley as soon as I can before Monday.
Justina

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From: Matten, Sharlene <Matten.Sharlene@epa.gov>
Sent: Friday, August 07, 2020 1:10 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Knott, Steven <Knott.Steven@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>
Subject: Re: update on my review of the files you sent me (asbestos)

Thanks Justina. I appreciate the reviews and comments. Unfortunately, some of your time was wasted. We were looking for your review of the TSCA SACC permanent panel members and the following ad Hoc's selected: KENNY Crump, Marty Kanarek, Steven Markowitz, Jeffrey Everitt, Richard Herrick, Arti Shukla, Emanuela Taioli, Liz Sheppard, and Bradley Van Gosen. See the roster below. I sent an email after we visited with their names. I sent a separate email with the link to all of my files for SGEs, RGEs, and potential candidates. I thought I was clear. Somehow, you ended up reviewing all of the people in my ONE Drive - most of whom had nothing to do with the Asbestos panel. For that I am sorry. I know all about Rosol and how long it takes to go through all of his investments.

To answer your specific questions

1) We had Fenner-Crisp and Bus fill out the 3110-48 completely and ignored the 450s they submitted. Both were being considered for the FIFRA SAP meeting to be held Sept 2020. - nothing to do with asbestos.

BTW - A colleague accidentally sent out both forms to all of the prospective panelists for the Sept 2920 FIFRA SAP. So some folks filled out both forms. Bill and I reviewed the appropriate 3110-48 forms once the individuals completed the missing information and ignored the 450s.

2) Smirnova was not considered because her colleague, Hogberg, at the same institution and same department was reviewed and moved forward for selection for the September 2020 FIFRA SAP meeting. If we consider Smirnova in the future, we can make sure she corrects her form.

3) Spencer, Rosol, Morandi, Sweeney, and Zhu were not considered for the Asbestos panel. The issues you pointed out would have been addressed if these individuals were put forward for the asbestos panel. Since they weren't, there are no issues to resolve. We will keep your comments in mind should these individuals be considered for future TSCA SACC and FIFRA SAP Meetings.

4) Emanuela Taioli and Liz Sheppard - I'll check. I may have reviewed their paper file at the office in February so I did not have electronic records. They did participate in the asbestos meeting.

5) The others you listed - half are related to the ongoing selections for the Sept 2020 FIFRA SAP. Some of those folks are no longer under consideration so their records are incomplete on purpose. David Quinn's records were completed today for the Sept 2020 FIFRA SAP. Hayley and I finished our review around 6 pm.

Thanks for the reviews. I appreciate them. I will add notes to the files.

Thanks,
Sharlene

**TOXIC SUBSTANCES CONTROL ACT (TSCA)
SCIENCE ADVISORY COMMITTEE ON CHEMICALS (SACC)
PUBLIC MEETING APRIL 27-30, 2020
TSCA SACC Website: <https://www.epa.gov/tsc-peer-review>
DOCKET ID NUMBER: EPA-HQ-OPPT-2019-0501**

U.S. Environmental Protection Agency

**Peer Review for the U.S. EPA Draft Risk Evaluation for
Asbestos**

Peer Review Roster

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(formerly private consultant)

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Jeffrey I. Everitt, DVM

Duke University

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John R. Harris, MPH. (Did not participate)

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Thanks,

Sharlene

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On Aug 6, 2020, at 9:01 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Sharlene,

Thanks for sharing the files of 66 SAP members for my personal review. Seventeen of the files did not include any confidential financial disclosure reports, so I looked at 49 files. Of those, I identified 3 with technical reporting issues and 6 with possible conflicts issues, depending on what sector(s) were identified as being affected by the work of the asbestos panel. I also don't know whether those 6 were placed on the panel or not, or whether you conferred with Ferne Mosley about them already. Set forth below are the results of my review. If you can update me about the status of the 6 people I flagged, I'll be able to provide my final assessment.

- James Bus is not a federal employee, yet he filed the OGE 450 instead of the EPA 3110-48. Although he checked off "SGE" on that form, EPA does not accept the 450 for SGEs. Instead, all SGEs must file the approved alternative version, the EPA 3110-48. Where is his 3110?
- Penelope Fenner-Crisp completed both the OGE 450 (checked off for SGE) and the EPA 3110-48. Why did she fill out both forms?
- Pamela Spencer owns Dow, DuPont, both of which have been involved in asbestos litigation. How much stock does she own? If over \$25,000, then she can't work on particular matters of general applicability involving the chemical manufacturing sector.
- Laura Green, who over-reported by providing her entire portfolio, owns over the regulatory exemption level for participating in specific party matters involving Abbott Labs, Alphabet, Amazon, Amgen, Apple, ADP, Berkshire Hathaway, Celanese, Charles Schwab, Danaher, First Republic Bank, Microsoft, NextEra Energy, Estee Lauder, Visa, Walt Disney. She also cannot work on matters of general applicability that involve any of the sectors in which those companies and their wholly owned subsidiaries operate. Did you already consider those implications? I've attached my cheat sheet for Berkshire Hathaway, and I know that Alphabet (formerly Google) owns Verily Life Sciences. What are the identified sectors of concern to this asbestos panel?
- Lena Smimova – Entered 'N/A' in Section 3, which is not permitted. Did she update her report to enter "none" instead?
- Lisa Sweeney owns Pacific Gas and Electric, which has had asbestos issues. How much stock does she own? If over \$25,000, then she can't work on particular matters of general applicability that affect the electric utility sector.
- Martha Morandi owns Hewlett Packard, Johnson & Johnson, both of which have had asbestos issues. How much stock does she own? If over \$25,000, then she can't work on particular matters of general applicability that involve the computer and information technology sector or, because

of J&J, the medical devices, pharmaceutical or consumer packaged goods sectors.

- Yiliang Zhu has assets that need further inquiry: General Electric, Berkshire Hathaway. Both of these entities have asbestos-related baggage, so you need to know how much Dr. Zhu's assets are worth. For BRK, remember that you have to worry about every single one of its wholly owned subsidiaries, including those insurance companies that have now taken over asbestos liability. If the ownership interest is over \$25,000 in either, then Dr. Zhu can't work on matters of general applicability that affect any of the BRK sectors. See attached.
- Thomas Rosol reported a number of assets by stock ticker symbol only. He should have been told to provide the company names. Because I didn't know what the assets were, I had to look them all up and identify their sectors (it took me nearly two hours). I still don't know how much he owns in any of them, and he sometimes double reported assets. You would have had to aggregate those assets and then look for others in the same sector to determine whether he had a conflict in matters of general applicability. Please note that I found two stock (GN Store Nord and GreenCore) that are not traded in the US, so there would be no regulatory exemption level for those sectors at all. I did not include OXY (Occidental Petroleum) because the files included confirmation of a sale of that stock. He owns a lot of stock in utilities, oil and gas, pharmaceuticals, consumer goods, and real estate.

AbbVie (biopharma), Arcosa (construction, energy equipment, transportation products), American Electric Power Company (utility), Apollo Investment Corp (investment), Ares Capital Corp (investment), America First Multifamily Investors (investment), Avis Budget Group (rental car), Crescent Point Energy Corp (oil and gas), Chevron (oil/gas/energy) (reported twice), Emerson Electric (industrial manufacturing), Enterprise Products Partners (midstream natural gas, oil), Wavefront Tech Solutions (secondary oil recovery/env technology), Ford Motor (car manufacturing), FirstEnergy (electric utility), Fifth Third Bancorp (bank), Papa Murphy (pizza), General Electric, Gilead Sciences (biopharma), General Mills (consumer foods)(reported twice), GN Store Nord (hearing aids but not traded in the US so not eligible for any exemption), GreenCore Group (food company not traded in the US), GlaxoSmithKline (pharma)(reported twice), Healthpeak Properties (real estate)(reported twice), IBM (computer tech)(reported twice), Intel (tech), Kraft Heinz (consumer food)(reported twice), Kimberly Clark (consumer products), Kinder Morgan (midstream natural gas), Coca Cola (beverages), Kroger (grocery), Kohl's Corp (department store), LyondellBasell (chemical manufacturing), Macy's (department store), Medical Properties Trust (real estate), Merck & Co (pharma)(reported twice), Navidea Biopharmaceuticals (pharma), Novartis (pharma), Patterson (veterinary and dental medical supplies)(reported twice), Pfizer (pharma), Philip Morris (tobacco)(reported twice), Pilgrim's Pride (food), Pfizer (pharma),

Southern Co (gas and utility)(reported twice), Seagate Technology (data storage), AT&T (telecom), Target (department store)(reported twice), Tribune Media (media and entertainment), Trinity Industries (industrial, energy, transportation, construction supplier), Vodafone (telecom), Ventas (real estate)(reported twice), Verizon (telecom)(reported twice), Welltower (real estate), Wells Fargo (banking), WalMart (stores), Williams Sonoma (stores), Exxon Mobil (oil and gas), Accelerate Diagnostics (in vitro diagnostics), AstraZeneca (pharma), BCE (telecom), BP (oil and gas), Crown Castle International (real estate, shared communications), Dominion Energy (utility), Duke Energy (utility), Consolidated Edison (utility), FaceBook (social media), GE, Invesco (investment), Johnson & Johnson (consumer goods), McKesson (pharma), Altria (tobacco), National Grid (utility), NuVasive (medical devices), Realty Income (real estate), Orchid Island Capital (real estate), Pepsi (food and beverage), Aratana Therapeutics (pharma), Procter & Gamble (consumer goods), PPL (utility), Sanofi (pharma), Total SE (oil and gas), Wabtec (train, vehicle manufacturing)

Please note that the files did not include any confidential financial disclosure reports at all for the following, so I could not review them:

- Aramandla Ramesh – file includes an email in which Dr. Ramesh confirms participation on an EPA funded grant. That's not an ethics issue, but something for the Pruitt policy.
- Brian Gregory
- Daniel Quinn
- David Kriebel
- David Reif
- Elizabeth (Lianne) Sheppard
- Emanuela Taioli
- Emily Reinke
- Eva McLanahan
- Harvey Berman
- Jennifer Cavallari
- Joanna Matheson
- John Neuberger
- Khomeng Lin
- Palmer Taylor
- Sherry Parker
- Yue-wen Huang

Thanks,
Justina

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